

Exhibit D

Yan Ge, Cal. Bar No. 236566
KING & WOOD MALLESONS LLP
2500 Sand Hill Road, Suite 111
Menlo Park, CA 94025
Telephone: (650) 858-1285
Facsimile: (650) 858-1226
geyan@cn.kwm.com

M.M. Utterback (*pro hac vice*)
KING & WOOD MALLESONS LLP
500 5th Ave, 50th Floor
New York, NY 10110
Telephone: (212) 319-4755
Facsimile: (917) 591-8167
meg.utterback@us.kwm.com

Attorneys for Petitioners
SinSin Europe Solar Asset Limited Partnership and SinSin Solar Capital Limited Partnership

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SINSIN EUROPE SOLAR ASSET LIMITED
PARTNERSHIP and
SINSIN SOLAR CAPITAL LIMITED
PARTNERSHIP,

Petitioners,

v.

SPI ENERGY CO. LTD,

Respondent.

Case No. 2:22-cv-01991-MCE-JDP

**DECLARATION OF XINYU LI IN
SUPPORT OF AMENDED PETITION
AND MOTION FOR**

**(1) CONFIRMATION OF FOREIGN
ARBITRAL AWARDS;**

(2) ENTRY OF JUDGMENT;

(3) INJUNCTIVE RELIEF; AND

**(4) ATTORNEYS' FEES INCURRED IN
CONFIRMING THE AWARDS**

I, Xinyu Li, hereby declare and state as follows:

1. I am a Partner in King & Wood Mallesons' ("KWM") Beijing office and an attorney of good standing in the People's Republic of China. KWM was counsel to SinSin Europe Solar Asset Limited Partnership and SinSin Solar Capital Limited Partnership ("Petitioners") during the arbitrations and related Malta proceedings discussed below. I am fully familiar with the facts of this case and can attest to the authenticity of the Exhibits referenced herein.

2. The evidence set out in the foregoing declaration is based on my personal knowledge.

1 3. I submit this declaration pursuant to Petitioners' Amended Petition and Motion for
2 (1) Confirmation of Foreign Arbitral Awards, (2) Entry of Judgment, (3) Injunctive Relief, and (4)
3 Attorney's Fees Incurred in Confirming the Awards against SPI Energy Co. Ltd. ("**Respondent**").

4 4. Attached hereto as **Exhibit A** is a true and correct copy of the first foreign arbitral
5 award (the "**First Award**"), Reference No. I 5320/2018, dated October 29, 2020, issued by the
6 Arbitration Panel in the proceeding before the Malta Arbitration Centre Arbitration.

7 5. Attached hereto as **Exhibit B** is a true and correct copy of the second foreign
8 arbitral award (together with the First Award, the "**Awards**"), Reference No. I 5532/2018, dated
9 October 29, 2020, issued by the Arbitration Panel in the proceeding before the Malta Arbitration
10 Centre Arbitration.

11 6. Attached hereto as **Exhibit C** is a true and correct copy of the SPA, dated
12 September 6, 2014, entered into between Petitioners and Respondent and Solar Power, Inc..

13 7. Attached hereto as **Exhibit D** is a true and correct copy of the judgment and
14 translation of the judgment by the Malta Court of Appeal (Inferior Jurisdiction) (the "**Malta Court**
15 **Inferior**"), dated November 12, 2021, Inferior Appeal Number 78/2020 LM, declaring the appeal
16 filed by Respondent and SPI China (HK) Limited null and void.

17 8. Attached hereto as **Exhibit E** is a true and correct copy of the judgment and
18 translation of the judgment by the Malta Court Inferior, dated November 12, 2021, Inferior Appeal
19 Number 79/2020 LM, declaring the appeal filed by Respondent and SPI China (HK) Limited null
20 and void.

21 9. Attached hereto as **Exhibit F** is a true and correct copy of the ruling made by the
22 Chief Justice of the Malta Court, and certified translation, dated March 30, 2022, dismissing
23 Respondent and SPI China (HK) Limited's request to revoke the Inferior Appeal Number 78/2020
24 judgment by the Malta Inferior Court on November 12, 2021, and ordering Respondent and SPI
25 China (HK) Limited to pay expenses.

26 10. Attached hereto as **Exhibit G** is a true and correct copy of the ruling made by the
27 Chief Justice of the Malta Court, and certified translation, dated March 30, 2022, dismissing
28 Respondent and SPI China (HK) Limited's request to revoke the Inferior Appeal Number 79/2020

1 judgment by the Malta Inferior Court on November 12, 2021, and ordering Respondent and SPI
2 China (HK) Limited to pay expenses.

3 11. Attached hereto as **Exhibit H** is a true and correct copy of Petitioner SinSin Europe
4 Solar Asset Limited Partnership's Certificate of Registration of Exempted Limited Partnership.

5 12. Attached hereto as **Exhibit I** is a true and correct copy of Petitioner SinSin Solar
6 Capital Limited Partnership's Certificate of Registration of Exempted Limited Partnership.

7 13. During the arbitrations, Petitioners submitted the total costs incurred by Petitioner
8 up until September 9, 2020. Those costs amounted to €1,675,413.74. The costs are as follows:

- 9 a. €46,000 in filing costs, which was solely fees paid to the Malta Arbitration Centre,
10 incurred for the Second Proceeding;
11 b. €210,000 in arbitrators' fees and charges;
12 c. €39,074.71 in logistical costs incurred in relation to the hearings held in November
13 2018, April 2019 and July 2019 for both proceedings, including €4,634.69 for
14 translation services;
15 d. €35,271.26 in travel and other expenses incurred by Petitioners in relation to its
16 representatives, witnesses and expert witnesses; and
17 e. €1,345,067.77 in costs for legal representation and assistance and related costs,
18 including €208,102.99 in professional fees for Petitioners' expert witness,
19 Accuracy.

20 14. Following the issuance of the Awards, Petitioners have requested that Respondent
21 satisfy the Awards on multiple occasions. Respondent has repeatedly declined to do so.

22 15. On January 19, 2015, an enforcement proceeding was commenced against
23 Xiaofeng Peng, Respondent's Chief Executive Officer, in the Hefei Intermediate People's Court
24 (the "**Hefei Court**") in Anhui Province, Case No. (2015) Hezhi Zi No.00130. On May 20, 2015,
25 the PRC Supreme People's Court announced that Mr. Peng was placed on the China Supreme
26 People's Court's List of Discredited Parties Subject to Enforcement (the "**Announcement**").
27 According to the Announcement, the Hefei Court issued a judgment against Mr. Peng that totaled
28 over \$130 million (RMB 93,0164,221.03) which he refused to pay although he had sufficient funds

1 to do so. The official Announcement is in Chinese. Attached hereto as **Exhibit J** is a true and
2 correct copy and translation of the Announcement.

3
4 I declare under penalty of perjury under the laws of the United States of America that the foregoing
5 is true and correct to the best of my knowledge, information, and belief.

6
7 Executed on: April 3, 2023

8
9 Respectfully submitted,

10
11 By: Li Xinyu
12 Xinyu Li
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28